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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,757	04/26/2001	Jae H. Shim	7015-022	2102

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,757

Applicant(s)

SHIM, JAE H.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 5, 7, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5, 13 and 7, 15, the prior art of record fail to teach or suggest. The estimating a value of a background sound level that is present at the radiotelephone at a time the incoming call signal is received; and when the background sound level value is less than a selected threshold background sound value, providing the incoming call notification signal at the first sound intensity value; and when the background sound level value is at least equal to the threshold background sound value, providing the incoming call notification signal at a second sound intensity value that is larger than the first sound intensity value, as cited in claims 5 and 13.

In addition, the prior art of record fail to teach or suggest, the determining an accumulated time after the incoming call notification signal is first provided, during which a user of the radiotelephone does not respond to the notification signal; and when the accumulated time exceeds a selected time value, providing a second incoming call notification signal having a sound intensity value that is greater than the first sound intensity value, as cited in claims 7 and 15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8-10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth (U.S. Patent No. 5,646,979).

Regarding claims 1 and 9, Knuth teaches the method for indicating receipt of an incoming call on a radiotelephone (see fig. 2, col. 1, lines 6-9), the method comprising: receiving a signal indicating an incoming call on a radiotelephone (see col. 3, lines 28-55); and providing a selected voice-based distinguishable alert signal (see col. 4, lines 22-31), having an associated sound intensity value and including at least three audibly perceptible (see col. 4, lines 55-65), voice-based words (see col. 4, lines 61-65).

Regarding claims 2 and 10, Knuth teaches the method of determining if the incoming call has an associated source phone number (see col. 4, lines 61-65 number 555-1234); and when the incoming call has an associated phone number (see col. 4, lines 61-65 number 555-1234), providing the incoming call notification signal with at least one audibly perceptible (see col. 4, lines 61-65), voice-based word that identifies at least one source of the incoming call (see col. 4, lines 61-65).

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Regarding claims 8 and 16, Knuth teaches the providing the voice-based signal using at least one of: a voice of a user of the radiotelephone, a voice of a person other than a user of the radiotelephone, and a synthesized voice sound (see col. 3, lines 52-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 11-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth (U.S. Patent No. 5,646,979) in view of Luneau (U.S. Patent No. 5,526,406).

Regarding claims 3 and 11, Knuth teaches the determining if the incoming call has an associated source phone number (see col. 4, lines 61-65 number 555-1234); when the incoming call has an associated phone number (see col. 4, lines 61-65 number 555-1234) with the incoming call notification signal with at least one audibly perceptible voice-based word that identifies at least one source of the incoming call (see col. 4, lines 61-65). But Knuth fails to show the determining if the source phone number is contained in a database associated with the radiotelephone and when the source phone number is contained in the database with the incoming call notification signal with at least one audibly perceptible voice-based word.

However, Luneau teaches the determining if the source phone number is contained in a database associated with the radiotelephone and when the source phone number is contained in

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the database the incoming call notification signal with at least one audibly perceptible voice-based word (see col. 2, lines 42-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Knuth system and by providing the teaching of Luneau on the source phone number is contained in a database there to in order to announces the name of the caller base on the database reference to the caller's telephone number.

Regarding claims 4 and 12, Luneau teaches when the source phone number is not contained in the database, providing a database modification means to allow information concerning the source phone number to be added to the database (see col. 9, lines 43-53).

7. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth (U.S. Patent No. 5,646,979) in view of Dzung (U.S. Patent No. 5,265,264).

Regarding claims 6 and 14, Knuth fails to show the method of the estimating a distance between a user and the radiotelephone at a time the incoming call signal is received; when the estimated distance is less than a selected threshold distance, providing the incoming call notification signal at the first sound intensity value; and when the estimated distance is at least equal to the threshold distance, providing the incoming call notification signal at a second sound intensity value that is larger than the first sound intensity value.

However, Dzung teaches the method of the estimating a distance between a user and the radiotelephone at a time the incoming call signal is received; when the estimated distance is less than a selected threshold distance, providing the incoming call notification signal at the first

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sound intensity value; and when the estimated distance is at least equal to the threshold distance, providing the incoming call notification signal at a second sound intensity value that is larger than the first sound intensity value (see col. 3, lines 40-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Knuth system and by providing the teaching of Dzung on the estimating a distance between a user and the radiotelephone providing the incoming call notification signal at the first sound intensity value thereto in order to provide the control of gain of the audio amplifier.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (U.S. Patent No. 5,854,826) discloses ring voice message generating device and method of automatic answering telephone.

Slaven (U.S. Patent No. 6,038,441) discloses method and system for creating records of voice messages in an automotive vehicle.

Parikh (U.S. Patent No. 6,408,177) discloses system and method for call management with voice channel conservation.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

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*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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Jan. 15, 2004

